

## THE OFFICE OF CONTRACTING AND PROCUREMENT

## NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Chief Procurement Officer of the District of Columbia pursuant to authority granted to the Mayor by section 204 of the District of Columbia Procurement Practices Act of 1985 (PPA), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.04 (2001)), Title II of the Child and Youth, Safety and Health Omnibus Amendment Act of 2004 (Child and Youth Act or Act), effective April 13, 2005 (D.C. Law 15-353; D.C. Official Code § 4-1501.01 *et seq.* (2005)), Mayor's Order 2002-207 (dated December 18, 2002), and Mayor's Order 2005-73 (dated May 5, 2005) (Mayor's Order), hereby gives notice of the adoption of the following emergency rules and of the intent to adopt final rulemaking to add a new Chapter 5 of Title 27 of the District of Columbia Municipal Regulations (Contracts and Procurement). The rulemaking is intended to implement section 211 of Title II of the Child and Youth Act authorizing the Mayor to issue rules requiring that criminal background and traffic records checks be obtained for individuals and unsupervised volunteers employed by, and applicants for employment with, any private entity that contracts with the District to provide direct services to children or youth as those terms are defined in the Child and Youth Act.

The Mayor's Order delegates to the Chief Procurement Officer the authority vested in the Mayor in section 211 of the Act to issue rules governing the criminal background check and the traffic record check requirements in sections 203 and 204(b)(2) of the Act, for persons and private agencies being considered for contractual work providing direct services to children and youth in District covered agencies.

A Notice of Emergency Rulemaking to implement Title II of the Act was approved on August 22, 2005, and published in the *D.C. Register* on September 30, 2005, at 52 DCR 8832. Those emergency rules expired on December 20, 2005. In the interim, on first and second readings on November 1, 2005, and December 6, 2005, respectively, the Council of the District of Columbia adopted D.C. Bill 16-407, the "Criminal Background Checks for the Protection of Children Clarification Temporary Amendment Act of 2005," which amends Title II of the Child and Youth Act. A Notice of Final Rulemaking that had previously been submitted to the Council was withdrawn in light of the pending amendment to the Act. On December 22, 2005, following signature by the Mayor, Bill 16-407 became D.C. Act 16-227, was published in the *D.C. Register* on January 6, 2006, at 53 DCR 34, and was transmitted to Congress for the 30-day review period on January 18, 2006. A second Notice of Emergency Rulemaking to implement Title II of the Act was published in the *D.C. Register* on March 3, 2006, at 52 DCR 1586. Effective March 8, 2006, D.C. Act 16-227 became D.C. Law 16-65, amending, in pertinent part, section 205(c)(5) of the Child and Youth Act to identify the felony offenses or their equivalents which an applicant, employee, or volunteer must disclose in a written affirmation. The second emergency rules expired on April 19, 2006.

The Chief Procurement Officer took action on June 13, 2006, to adopt the following rules on an emergency basis to implement Title II of the Act, which have been changed from the previous emergency rules to amend section 501.5(b) to reflect the current language of section 205(c)(5) of the Child and Youth Act. This emergency rulemaking action, pursuant to section 6(c) of the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2001)), is justified by the need to ensure preservation of the welfare of children and youth being served by contractors with the District of Columbia agencies enumerated in the Mayor's Order. These emergency rules will remain in effect up to one hundred twenty (120) days from date of adoption, unless earlier superseded by another rulemaking notice or by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Chief Procurement Officer also gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The Chief Procurement Officer will submit the rules to the Council of the District of Columbia for a sixty (60) day period of review pursuant to subsection 205(b) of the PPA (D.C. Official Code § 2-302.05(b) (2001)), and will not take final rulemaking action until completion of the 60-day review period or Council approval of the rules by resolution before the end of the review period.

## CHAPTER 5

### CRIMINAL BACKGROUND CHECKS FOR DISTRICT GOVERNMENT CONTRACTORS THAT PROVIDE DIRECT SERVICES TO CHILDREN AND YOUTH

*A new Chapter 5 is added to Title 27 to read as follows:*

#### 500 GENERAL PROVISIONS

**500.1** The Mayor is authorized to obtain criminal history records maintained by the Federal Bureau of Investigation and the Metropolitan Police Department, or secured by them through the National Criminal Information Center, and traffic records maintained by the Department of Motor Vehicles, to investigate persons applying for employment, in either a compensated or a volunteer position with, or current employees and volunteers of, private agencies that contract with the District of Columbia government as a covered child or youth services provider, as defined in section 202(3) of the Child and Youth Act and section 599 of this chapter, and in accordance with the list of agencies enumerated in Mayor's Order 2005-73, effective May 5, 2005.

**500.2** The Chief, Metropolitan Police Department (or his or her designee), shall be responsible for conducting criminal background checks under the Act, including fingerprinting, for private District agencies that are subject to the Act. In order to fulfill these functions, District agencies shall, by Memorandum of Agreement with the Metropolitan Police Department, agree to allocate resources to the Metropolitan Police Department to cover the costs of performing the criminal background checks required under the Act. The resources provided by each

District agency shall be proportional to the number of its contract employees required to obtain a criminal background check.

- 500.3** Section 204(a) of the Child and Youth Act authorizes the Mayor to conduct traffic record checks of applicants for employment and employees, for either a compensated or an unsupervised volunteer position with any covered child or youth services contractor, when those individuals would be required to drive motor vehicles to transport children or youth in the course of performing their duties. Traffic record checks shall be conducted using the database maintained by the Department of Motor Vehicles. In order to fulfill these functions, District agencies shall, by Memorandum of Agreement with the Department of Motor Vehicles, agree to allocate resources to the Department of Motor Vehicles to cover the costs of performing the traffic record checks required under the Act. The resources provided by each District agency shall be proportional to the number of its contract employees required to obtain a traffic record check.
- 500.4** District contractors who provide direct services to children and youth who are subject to the Act shall pay for the costs for the criminal background checks and traffic record checks required under the Act.
- 500.5** Except as otherwise required by a contract, each employee or unsupervised volunteer occupying a covered position as defined in section 599 of this chapter shall be required to submit to periodic criminal background checks while employed by, or volunteering at, a private agency that provides direct services to children and youth pursuant to a contract with the District of Columbia government.
- 500.6** Before any applicant for employment, in either a compensated or a volunteer position, with a private agency that provides direct services to children and youth pursuant to a contract with the District of Columbia government, may be offered a position, the private agency shall inform the applicant that a criminal background check must be conducted on him or her, and shall request the Metropolitan Police Department to conduct the background check.
- 500.7** Pursuant to section 204 (b) of the Act, private agencies that contract with the District of Columbia government shall request the Department of Motor Vehicles to conduct traffic record checks on the agencies' employees, unsupervised volunteers and applicants for employment who would be required to drive a motor vehicle to transport children in the course of performing his or her duties.
- 500.8** A contractor subject to the Act shall not make a final offer of appointment to, nor shall it assign a current employee to, a compensated or unsupervised volunteer position for which a criminal background check or traffic record check is required until after the criminal background check or traffic record check, or both, have been conducted on the appointee and a determination made that the appointee meets the requirements of the Act.

**501 NOTICE TO CONTRACTOR**

- 501.1** The Chief Procurement Officer, in accordance with Mayor's Order 2005-73 and section 206(a) of the Act, shall publish in the *D.C. Register* a notice that requires District agencies to submit the names of private agencies that contract to provide direct services to children and youth and whose employees and unsupervised volunteers should be subject to the criminal background check requirements of this chapter, together with the positions the agency has designated as subject to such requirements, within 45 days from the date of publication of the notice.
- 501.2** The Chief Procurement Officer, following review of the information on private agencies submitted pursuant to section 501.1, shall determine what private agencies that provide direct services to children and youth are required to apply for criminal background checks, and shall publish in the *D.C. Register* a notice that applicants for employment with, and employees and unsupervised volunteers of, such clearly identified private agencies are required to apply for criminal background checks within 45 days from the date of publication of the notice, or from the date of contract award, whichever is sooner. The notice shall inform agencies subject to the requirements of this chapter of the location of the office in which applications for criminal background checks are to be made.
- 501.3** In accordance with section 206(b) of the Act, each District agency shall submit to the Chief Procurement Officer an updated list of the positions with private entities that are subject to the criminal background check requirements of this chapter no later than December 1 of each year. The Chief Procurement Officer shall publish the updated list of positions annually in the *D.C. Register*.
- 501.4** Following publication of the notice required by section 501.2 or award of a contract to an "agency that provides direct services to children and youth," as identified by the Chief Procurement Officer pursuant to section 501.2, the contracting officer shall notify the contractor that it must conform to the procedures in sections 501.5 and 501.6. The contracting officer's notice to the contractor shall include a procedure for the contractor to challenge the determination that it is required to comply with the requirements of this chapter.
- 501.5** Prior to a criminal background check being conducted, the contractor shall in writing inform each applicant, employee or unsupervised volunteer subject to the check where and when to report for fingerprinting, and provide each applicant, employee, or unsupervised volunteer with a form or forms to be utilized for the following purposes:
- (a) To authorize the Metropolitan Police Department or other entity, as appropriate, to conduct the criminal background check and confirm that the applicant, employee, or unsupervised volunteer has been

informed that the contractor is authorized and required to conduct a criminal background check;

- (b) To affirm that the applicant, employee, or unsupervised volunteer has not been convicted of a crime, has not pleaded nolo contendere, is not on probation before judgment or placement of a case upon a stet docket, and has not been found not guilty by reason of insanity for any sexual offenses or intra-family offenses in the District of Columbia or their equivalent in any other State or territory of the United States, for any of the following offenses or their equivalent in another State or territory:
  - (1) Murder, attempted murder, manslaughter or arson;
  - (2) Assault, battery, assault and battery, assault with a dangerous weapon, mayhem, or threats to do bodily harm;
  - (3) Burglary;
  - (4) Robbery;
  - (5) Kidnapping;
  - (6) Illegal use or possession of a firearm;
  - (7) Sexual offenses, including indecent exposure; promoting, procuring, compelling, soliciting, or engaging in prostitution; corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse; but excluding sodomy between consenting adults;
  - (8) Child abuse or cruelty to children
  - (9) Unlawful distribution or possession of, or possession with intent to distribute, a controlled substance.
- (c) To acknowledge that the applicant, employee, or unsupervised volunteer has been notified of his or her right to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report;
- (d) To acknowledge that the employer may choose to deny the applicant employment, assignment to, or an unsupervised volunteer position for which a criminal background check is required based on the outcome of the criminal background check;
- (e) To provide any additional information that is required, such as name, social security number, date of birth, and gender; and
- (f) To inform the applicant or employee that a false statement on the form or forms may subject them to criminal penalties, in accordance with section 505.

- 501.6** The contractor shall direct the applicant or employee to complete the form or forms specified in section 501.5 and report to the designated location to be fingerprinted.
- 501.7** The Chief, Metropolitan Police Department, shall conduct a criminal background check once the applicant or employee has provided the form required by section 501.5(a) as well as a copy of the notification that the applicant or employee is required to obtain a criminal background check.
- 501.8** District agencies may establish in a contract offenses other than those listed in subsection 501.5(b), to be considered in determining eligibility of applicants or employees for covered positions. The contractor shall follow any additional procedures specified in the contract.

**502 CONTRACTOR EVALUATION OF CRIMINAL BACKGROUND AND TRAFFIC RECORD CHECK**

- 502.1** The contractor shall consider a variety of factors in determining an employee's or applicant's suitability for employment based on a criminal background check conducted pursuant to this section, but shall not consider arrest records and juvenile records. Possession of one (1) or more of the following criminal background events may make the applicant or employee ineligible for employment or voluntary service:

- (a) A felony conviction; or
- (b) A serious misdemeanor conviction.

- 502.2** Except as provided in 502.3(c) of this section, the Contractor shall closely consider the following variables and evaluate each criminal background check report on a case-by-case basis to determine if an applicant or employee subject to a criminal background check shall be ineligible for employment or voluntary service:

- (a) The recency of any conviction;
- (b) The age of the applicant or employee at the time of any conviction;
- (c) Any false statements made by the applicant or employee concerning the form or forms described in section 501.5 of this section, or the discovery of any intentional false statements of material fact or deception or fraud in applying for employment, compensated or not, that would provide a basis for disqualification; and
- (d) The absence or presence of rehabilitation or efforts toward rehabilitation.

**502.3** The following provisions shall apply to criminal background checks of applicants for employment and unsupervised volunteer positions:

- (a) Based on the outcome of the criminal background check, the contractor shall determine whether to make or deny a final offer of appointment to the applicant.
- (b) Notwithstanding the considerations specified in sections 502.1 and 502.2, District agencies may establish alternative evaluation processes through contracts.
- (c) Notwithstanding the factors and variables specified in sections 502.1 and 502.2, an applicant who has been convicted of a crime against children or youth shall be ineligible for appointment to a position that provides direct services to children and youth.
- (d) If the contractor decides to deny an applicant an offer of employment, the contractor shall provide the applicant a written notification of the decision, with a copy to the Contracting Officer's Technical Representative (COTR). In the written notification contractor shall inform the applicant of his or her right, within ten (10) days of receiving the written notification, to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report, in writing.
- (e) Upon receiving a challenge to a criminal background check report, the appropriate administrative officer of the contractor shall promptly make a determination on the case and inform the appointee of the decision, in writing, with a copy to the personnel authority and the COTR.

**502.4** The following provisions shall apply to criminal background checks of employees and unsupervised volunteers:

- (a) Contractors subject to the provisions of the Act and this chapter shall conduct periodic criminal background checks for current employees and unsupervised volunteers.
- (b) An employee or unsupervised volunteer who fails a periodic criminal background check may be subject to administrative action up to and including, but not limited to, reassignment and termination. In determining what action is to be taken, the contractor shall consider the factors set forth in sections 502.1 and 502.2 as well as any other similar factors, except that a criminal background check that sets forth a conviction for a crime against

children or youth shall result in termination.

- (c) At the contractor's discretion, an employee or unsupervised volunteer who fails a periodic criminal background check may be reassigned to a non-covered position.
- (d) If the contractor decides to take administrative action against an employee or unsupervised volunteer, the contractor shall provide the employee or unsupervised volunteer a written notification of the decision, with a copy to the COTR. In the written notification the contractor shall inform the employee or unsupervised volunteer of his or her right, within ten (10) days of receiving the written notification, to obtain a copy of the criminal background check report and to challenge the accuracy and completeness of the report, in writing.
- (e) Upon receiving a challenge to a criminal background check report, the appropriate administrative officer of the contractor shall promptly make a determination on the case and inform the employee or unsupervised volunteer of the decision, in writing, with a copy to the personnel authority and the COTR.

**502.5** For applicants or employees whose official duties would include driving a motor vehicle to transport children or youth, the contractor will judge records of traffic infractions on an individual basis. A pattern of disregard for traffic regulations, the frequency of traffic violations, or one or more convictions for driving under the influence of intoxicants or drugs may result in a determination that an applicant or employee is ineligible for employment or unsupervised voluntary service in a covered position.

**502.6** District agencies may establish more stringent driving record requirements through a contract.

### **503 ACTION AGAINST CONTRACTOR**

**503.1** The Chief Procurement Officer may take corrective or adverse action, in accordance with Section 8, "Default" of the Standard Contract Provisions for use with District of Columbia Supplies and Services Contracts, that are made a part of the contract, against any covered child or youth services contractor who is found to have violated the provisions of this chapter.

### **504 CONFIDENTIALITY**

**504.1** Criminal background check reports obtained under this section shall be confidential and are for the exclusive use of making employment-related



determinations under this chapter. Contractors subject to this chapter shall not release or otherwise disclose the reports to any person, except when:

- (a) Required as one component of an application for employment with the contractor;
- (b) Requested by the Chief Procurement Officer or his or her designee during an official inspection or investigation;
- (c) Ordered by a court;
- (d) Authorized by the written consent of the person being investigated;
- (e) Otherwise required by the contract; or
- (f) Utilized for a corrective or adverse action in a personnel proceeding, including but not limited to, an administrative action under section 502.4(b).

**504.2** An individual who discloses confidential information in violation of this section shall be guilty of a criminal offense and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

**504.3** Prosecutions for violations of this title shall be brought in the name of the District upon information by the Attorney General.

**505 PENALTY FOR PROVIDING FALSE INFORMATION**

**505.1** An applicant for employment or a volunteer position with a private agency covered by this chapter who provides false information in the course of applying for the position shall be subject to prosecution pursuant to section 404 of the District of Columbia Theft and White Collar Crimes Act of 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405 (2001)), and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 180 days, or both.

**506 PENALTY FOR NON-COMPLIANCE WITH CRIMINAL BACKGROUND REQUIREMENTS**

**506.1** The penalty for non-compliance with the terms of the Act or these rules shall be specified in the contract.

**599 DEFINITIONS**

**599.1** When used in this chapter, the following terms have the meaning ascribed:

**Act (or Child and Youth Act)** – the Child and Youth, Safety and Health Omnibus Amendment

Act of 2004 (D.C. Law 15-353, effective April 13, 2005).

**Agency that provides direct services to children and youth** – any public or private District agency that provides to children and youth, or for the benefit of children and youth, services that affect the health, safety, and welfare of children and youth, including individual and group counseling, therapy, case management, supervision or mentoring.

In accordance with Mayor's Order No. 2005-73, the following public agencies meet this definition and shall be subject to the criminal background check and traffic record check provisions of the Act and this chapter for purposes of their own activities, and the activities of private agencies who meet the definition of "an agency that provides direct services to children and youth," as set forth in the Act, and who are parties to contracts entered into on behalf of the following agencies by the Office of Contracting and Procurement:

- Department of Human Services
- Department of Health
- Department of Parks and Recreation
- Fire and Emergency Medical Services Department
- Metropolitan Police Department
- State Education Office of the Executive Office of the Mayor
- Department of Mental Health
- Child and Family Services Agency
- Department of Youth Rehabilitation Services

**Applicant** – an individual who has filed a written application for employment with a private District agency that provides direct services to children and youth or an individual who has made an affirmative effort through a written application or a verbal request to serve in a volunteer position with a public or private District agency that provides direct services to children and youth.

**Children** – individuals twelve (12) years of age and under.

**Contracting Officer's Technical Representative** – The agency employee responsible for general administration and day-to-day monitoring and supervision of the contract, and for advising the Contracting Officer as to the contractor's compliance or noncompliance with the contract.

**Covered position** – a position, compensated or voluntary, in a private District agency that provides direct services to children and youth, with duties and responsibilities that would require the employee or volunteer to provide direct services that affect the health, safety, and welfare of children and youth or services for the benefit of children and youth.

**Criminal background check** – the investigation of a person's criminal history through the record systems of the Federal Bureau of Investigation and the District of Columbia Metropolitan Police Department.

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**Employee** – an individual who provides direct services to children and youth and is employed on a full-time, part-time, temporary or contractual basis by a private District agency that provides direct services to children and youth.

**Volunteer** – an individual who works, in either a supervised or unsupervised capacity, without any monetary or other financial compensation for a private District agency that provides direct services to children and youth.

**Youth** – individuals between thirteen (13) and seventeen (17) years of age, inclusive.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Hand-delivered comments should be delivered, and mailed comments should be postmarked, no later than thirty (30) days after publication of this notice in the *D.C. Register*. Comments should be delivered or mailed to Herbert R. Tillery, Interim Chief Procurement Officer, Office of Contracting and Procurement, 441 Fourth Street, N.W., Suite 700 South, Washington, D.C. 20001. Copies of the proposed rules may be obtained from the above address.

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## OFFICE OF RISK MANAGEMENT

## NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Office of Risk Management (ORM), Executive Office of the Mayor, pursuant to the authority set forth in section 2344 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979, D.C. Law 2-139, D.C. Official Code § 1-623.44 (2001); section 7 of Reorganization Plan No. 1 of 2003 for the Office of Risk Management, effective December 15, 2003, and Mayor's Order 2004-198 (December 14, 2004), hereby gives notice of the adoption, on an emergency basis, of the following amendment to § 3132.7 of Chapter 31, Title 7 of the *District of Columbia Municipal Regulations (DCMR)*. The emergency rulemaking is necessary to bring § 3132.7 into conformity with D.C. Official Code § 1-623.24(d)(3) which provides that the Mayor may not modify disability benefits until certain requirements have been completed or until any deadline for the submission of additional information has expired, whichever is later.

Final rules were published in 53 DCR 4290, May 26, 2006. This rule is adopted as of June 12, 2006 and is effective immediately. This emergency rule will be in effect for 120 days (or until October 10, 2006) unless superseded by a notice of final rulemaking. Because the effect of the change to § 3132.7 is to bring it into conformity with D.C. Official Code § 1-623.24(d)(3) thereby enlarging employees rights previously published at 53 DCR 4290, the Director also hereby gives notice of her intent to take final rulemaking action to adopt this proposed rule in not less than ten (10) days from the date of publication of this notice in the *D.C. Register*.

Subsection 3132.7 of Title 7 DCMR is amended to read as follows:

**3132            Procedures for Existing Claims**

**3132.7**        With the exception of the factors set forth in subsection 3132.6 (a)-(d), compensation benefits subject to an ED shall not be modified until the period for requesting reconsideration set forth in section 3134 has elapsed with no Request for Reconsideration being received by the ORM, or until a timely Request for Reconsideration has been decided by the ORM, whichever is later.

Comments on the proposed rulemaking should be submitted, in writing, to Kelly L. Valentine, Interim Chief Risk Officer, 441 Fourth Street, N.W., Suite 800S, Washington, DC 20001, not later than ten (10) days after publication of this notice in the *D.C. Register*. Additional copies of this rule may be obtained by writing to the person above at the address stated herein.

## OFFICE OF TAX AND REVENUE

## NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Office of Tax and Revenue ("OTR"), pursuant to the authority set forth in D.C. Official Code §§ 47-1335 and 47-1342(c) (2001), as amended by D.C. Official Code § 47-317.08(c) (Feb. 2006 Supp.), section 155 of the District of Columbia Appropriations Act, 2001 (P.L. 106-522, D.C. Official Code § 1-204.24c (2001), and the Office of the Chief Financial Officer Financial Management and Control Order No. 00-5, effective June 7, 2000, hereby gives notice of the repeal of section 315 of Chapter 3 to Title 9 of the District of Columbia Municipal Regulations ("DCMR") and the adoption on an emergency basis of a new section 315 of Chapter 3 entitled Tax Sale Costs. A real property delinquent in the payment of real property tax shall be sold to collect delinquent real property taxes, and if not redeemed a deed may be issued to the purchaser. Many real properties sold at tax sale are abandoned or impose a nuisance upon the neighborhood within which they are situated. As such, these properties pose a threat to the health, safety and welfare of the citizens of the District of Columbia ("District"). In order to abate effectively nuisance properties and blight, the District needs to sell these properties as quickly and efficiently as possible. This emergency action is necessary to reimburse the District for the costs of administering and complying with the tax sale laws, and to support the health, welfare and safety of the citizens of the District.

The emergency regulation was adopted and became effective on June 22, 2006. The emergency regulation shall expire within 120 days from its effective date or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

OTR also gives notice of its intent to take final rulemaking action to adopt these regulations in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Section 315 of Chapter 3 of Title 9 DCMR is repealed and a new section 315 of Chapter 3 is adopted to read as follows:

**315 TAX SALE COSTS**

- 315.1 For any real property public auction tax sale conducted after December 31, 2000 and before January 1, 2006, an advertising fee in the amount of thirteen dollars (\$13) shall be levied against each real property advertised for sale. The fee shall be included in the certificate of sale and added to the amount for which the property shall be sold at public auction.
- 315.2 For any real property public auction tax sale conducted after December 31, 2005, a tax sale fee in the amount of one hundred fifty dollars (\$150) shall be levied against each real property advertised for sale and sold or bid off. The tax sale fee shall be included in the certificate of sale and added to the amount for which the property shall be sold or bid off at public auction.

Comments on this proposed rulemaking should be submitted in writing to Mr. Robert McKeon, Assistant General Counsel, Office of Tax and Revenue, 941 North Capitol Street, NE, Suite 810, Washington, DC 20002, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of this rule and related information may be obtained by writing to the person at the address stated herein.